



# HEALTH CARE NEWS

A Monthly Publication From The New York State Attorney General's Health Care Bureau

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## INVESTIGATION SPOTS VIOLATIONS OF Rx PRICE POSTING LAW

A two-year investigation by Attorney General Eliot Spitzer of over 200 pharmacies across the state found that 78 pharmacies did not comply with a state law aimed at helping consumers comparison shop for the lowest prescription drug prices.

"Rising prescription drug costs are a problem for all New Yorkers, especially seniors without drug coverage and the uninsured," Spitzer said. "Pharmacy price posters, as required by state law, enable consumers to comparison shop. The law also seeks to prevent discriminatory pricing, where pharmacies charge different prices to different consumers."

State law requires pharmacies to display a poster with current prices for 150 commonly prescribed drugs. Of the 78 pharmacies found to be non-compliant with the law, 76 agreed to out-of-court settlements, promising to take specific steps for future compliance. Two pharmacies have been notified that they will be sued over violations of the price posting law.

Spitzer's survey found discrepancies in prescription prices between pharmacies in the same area. In Westchester County, for example, the price of the cholesterol drug Lipitor was \$167.84 in one pharmacy and \$218.89 in another. Some stores charged a higher price at the cash register than the posted price. Further, many posters displayed were nearly illegible with hand-written prices, ink smears and eraser marks or were obstructed by store displays.



## HEALTH CARE HELPLINE AT 1-800-771-7755 option 3

When Ms. S, a New York City resident, switched health plans last July, her new plan refused to pay for Celebrex, the prescription pain medication she took for osteoarthritis. The plan denied coverage on the ground that she had "no medical contraindication to an equally effective drug." But Ms. S had tried all the other drugs and they had not helped her.

Unable to pay for Celebrex out-of-pocket, Ms. S stopped taking her medication and her medical condition deteriorated rapidly. By the time she called the Health Care Helpline, she was walking with a cane, after having been cane-free for two years. The mediator advised Ms. S to appeal the plan's denial, providing the plan with proof that "equally effective" prescribed drugs had brought her no relief, and monitored the plan's response. On appeal, the plan agreed to fully cover Celebrex.

## Q & A

**Q: How can I find out if my HMO covers the prescription drugs I need?**

A: Every health plan must provide all plan members or those thinking of joining the plan with information about the services the health plan will pay for and any limitations, including limits on prescription drug coverage and prescription co-payments or deductibles.

However, to find out whether a particular drug is covered by your HMO, you *may have to specifically ask for this information*. In New York, you have the right to inspect an HMO's drug formulary - the list of prescription drugs covered by the plan. An HMO may send you its formulary by mail. Additionally, you also have the right to know whether individual drugs are included or excluded from coverage for certain conditions if you request this information by telephone or in writing.

## TIPS TO LOWER Rx COSTS

- If you are paying cash, shop around. Prices vary from pharmacy to pharmacy.
- Try calling first -- although pharmacies aren't required to give prices over the phone (only if you present a prescription), most do. Or comparison shop in person by comparing the "price posters" at different stores. Ask if the posted price is current.
- Explore discount programs. If you are a senior citizen, find out about the Elderly Pharmaceutical Insurance Coverage (EPIC) program. Regardless of age, ask your pharmacist about discounts the pharmacy or a drug manufacturer may offer. Check out [www.oag.state.ny.us/health/health\\_care.html](http://www.oag.state.ny.us/health/health_care.html) for links to information about EPIC and discount prescription programs.
- Ask your doctor and pharmacist if there is a generic equivalent for your name brand prescription.



### DID YOU KNOW?

New Yorkers have one of the lowest rates of prescription drug use in the country. The average number of prescriptions per person per year is 9.3 in New York, compared with 12.2 in Kentucky, which has the highest rate.

Attorney General Eliot Spitzer's Health Care Bureau protects—and advocates for—the rights of all health care consumers statewide. The Bureau operates a Health Care Helpline that assists thousands of New Yorkers with individual problems; investigates and takes law-enforcement actions to address systemic problems in the operation of the health care system; and proposes legislation to enhance health care quality and availability in New York State. **To share your views contact the Editor: [Rashmi.Vasisht@oag.state.ny.us](mailto:Rashmi.Vasisht@oag.state.ny.us)**